

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4416 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

R M TIWARI

Versus

STATE OF GUJARAT

Appearance:

MS VANITA VINAYAK FOR MR PM THAKKAR for Petitioners
MR MA PATEL FOR MR SP HASURKAR for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/04/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioners, two in number, by this petition
under Article 226 of the Constitution of India challenges

the order of the respondents under which they were placed under suspension as well as were ordered to be transferred from present place of posting. The order of suspension has been passed as they were found to be involved in corruption case. This petition was placed in court for preliminary hearing on 4/7/89. The court has been pleased to issue notice to the respondents. It has further been ordered for ad-interim relief granted in Special Civil Application No.3630 of 1989 to continue up to 20/7/89. The matter then was admitted by the court on 2/5/91 and ad-interim relief was ordered to be continued.

#. Both the counsel for the parties are not in a position to state what ultimately happened in the criminal case, which is lodged against the petitioners. It is really sorry state of affairs, which prevail in the State of Gujarat that the officers of its are not even cared to file the reply to the Special Civil Application as well as to remain present to properly instruct the AGP appearing in the matter. Despite of the fact that the State of Gujarat is a biggest litigant in the State it is not providing any effective and positive assistance to the courts. It is unfortunate that despite setting handsome amount in budget for litigation expenses this is total contribution of the State of Gujarat in litigation in the courts at the cost of the public exchequer. Nobody bothers for the State of Gujarat an impersonal. The stay which has been granted by this court continuing for all these years. That shows how the officers of the State Government are favouring the persons against whom there are serious allegations of their involvement in the corrupt practices.

#. The petitioners against whom there are serious allegations of involvement in corruption are continuing in services. That is only for the reason that the State of Gujarat is totally noncooperative in these matters in the court. Now at this stage, I do not consider it to be appropriate to go into the validity, propriety and correctness of the order impugned in this Special Civil Application. The interest of justice will be met in case the Special Civil Application is disposed of in the term that the respondent No.2 shall consider afresh the matter of the suspension of the petitioner in this case as well as of their transfer. However, it is made clear that this exercise has to be undertaken and completed within a period of two months from the date of the receipt of the writ of this order. In case, where the respondent No.2 decides to continue the petitioner under suspension and to transfer them elsewhere, a reasoned order may be passed and the copy of the same may be sent to the

petitioners by Registered Post AD. Liberty is granted to the petitioners for revival of the Sp.C.A.

Rule and Special Civil Application stand disposed of accordingly with no order as to costs.

(S.K.Keshote, J.)

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